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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,885	03/06/2002	Steven Victor Kauffman	SVL920010048US1	6876

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EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/091,885	Applicant(s) KAUFFMAN, STEVEN VICTOR	
	Examiner LINH BLACK	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 15, 20 (have been cancelled) is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-14, 16-19, 21-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 9 and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. § 101.
2. Dependent claims 10-14, and 26-27 are also rejected based on the dependency to the rejected claim 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 9-14, 16-19, 21-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (USP 6334125).

1. Johnson et al. anticipated the independent claims 1, 9, 16 by the following:

a module that embeds a value for an attribute into a key to data; and a module that creates an index of said data and associates said data with said key – col. 24, lines 15-47 (wherein Johnson et al. teach “the key for the index consists of the values of the attributes in the spine catenated together” – lines 15-16; and “the algorithm for inserting a key value into the index uses the usual B-tree insertion algorithm” – lines 37-38.)

2. Johnson et al. anticipated claims 2, 10, 17 by the following:

wherein said key comprises an identifier, and said value is encoded into said identifier – col. 2, line 61 to col. 3, line 4; col. 23, lines 30-40.

3. Johnson et al. anticipated claims 3, 11 by the following:

wherein said data comprises a plurality of digital documents – col. 2, lines 58-60; col. 7, lines 49-65.

(Applicants in the specification, page 1, teach: “Documents may

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also include traditional collections of human generated text or machine generated "psuedo-documents," that is, a collection of attributes or a record, created to enable searching of a digital asset.)

4. Johnson et al. anticipated claims 4, 12 by the following:

wherein said data is stored in a database - col. 7, lines 49-65.

5. Johnson et al. anticipated claims 13, 18, 23 by the following:

wherein said data is distributed over a plurality of network nodes – col. 12, lines 37-65.

6. Johnson et al. anticipated claims 14, 19 by the following:

wherein said embedding is performed over-a said plurality of network nodes – col. 5, line 45 to col. 6, line 7; col. 12, lines 37-65.

7. Johnson et al. anticipated claims 21, 26, 28 by the following:

wherein said key is a first key and said value is a first value – col. 2, lines 44-57.

wherein said system further comprises: a module that searches said index and obtains a list that includes said first key and a second key – col. 9, lines 27-61.

wherein said second key has a second value embedded therein for said attribute – col. 3, lines 12-24; col. 10, lines 33-50.

a module that sorts said list in an order determined by said first value and said second value – col. 5, lines 1-3; col. 27, lines 3-20.

8. Johnson et al. anticipated claims 22, 25 by the following:

wherein said module that embeds said value and said module that searches said index are connected by a network having a plurality of nodes – col. 4, lines 37-39; col. 5, lines 19-25; col. 12, lines 37-65.

9. Johnson et al. anticipated claim 24 by the following:

wherein said module that embeds said value is distributed over said plurality of nodes – col. 24, lines 35-47.

10. Johnson et al. anticipated claims 27, 29 by the following:

wherein said data is distributed over a plurality of network nodes - col. 12, lines 37-65.
wherein said searching is performed over said plurality of network nodes - col. 9, lines 27-61.

11. Johnson et al. anticipated the independent claims 30-32 by the following:

searches an index of data, wherein said data includes (i) a first item of data associated with a first key having embedded therein a first value for an attribute - col. 2, lines 44-57.

a second item of data associated with a second key having embedded therein a second value for said attribute - col. 3, lines 12-24; col. 10, lines 33-50.

obtains a list that includes said first key and said second key - col. 9, lines 27-61.

a module that sorts said list in an order determined by said first value and said second value - col. 5, lines 1-3; col. 27, lines 3-20.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

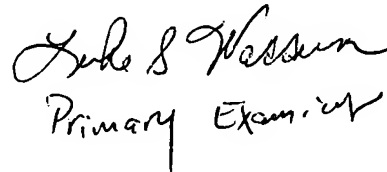
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2167

February 3, 2005



Primary Examiner